

**ZB# 99-7**

**Frank Francan**

**14-1-10.11**

Prelim.

March 8, 1999.

Get Amended A/D  
<sup>including 4/15/99</sup>  
Notice to Sentinel

Public Hearing:

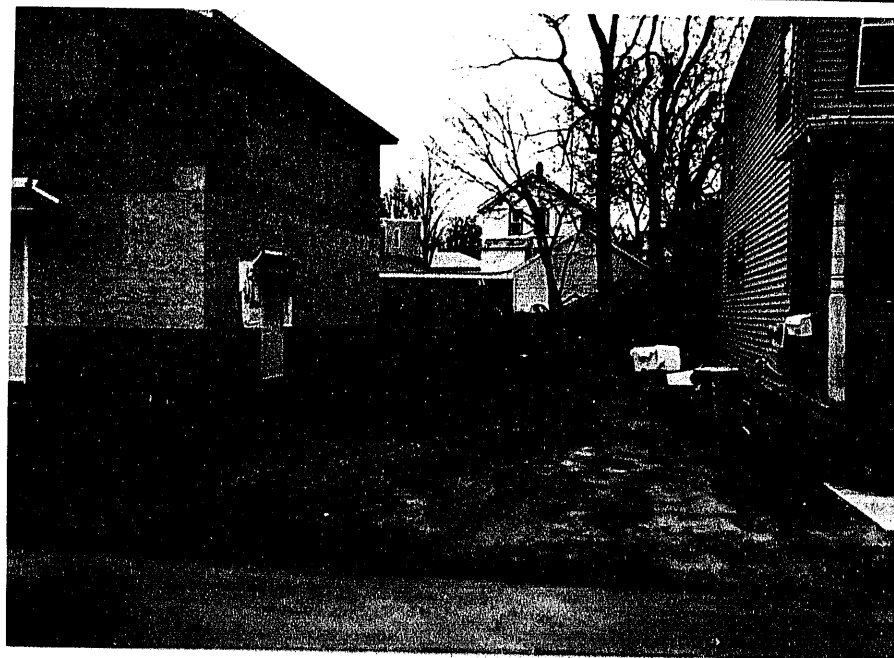
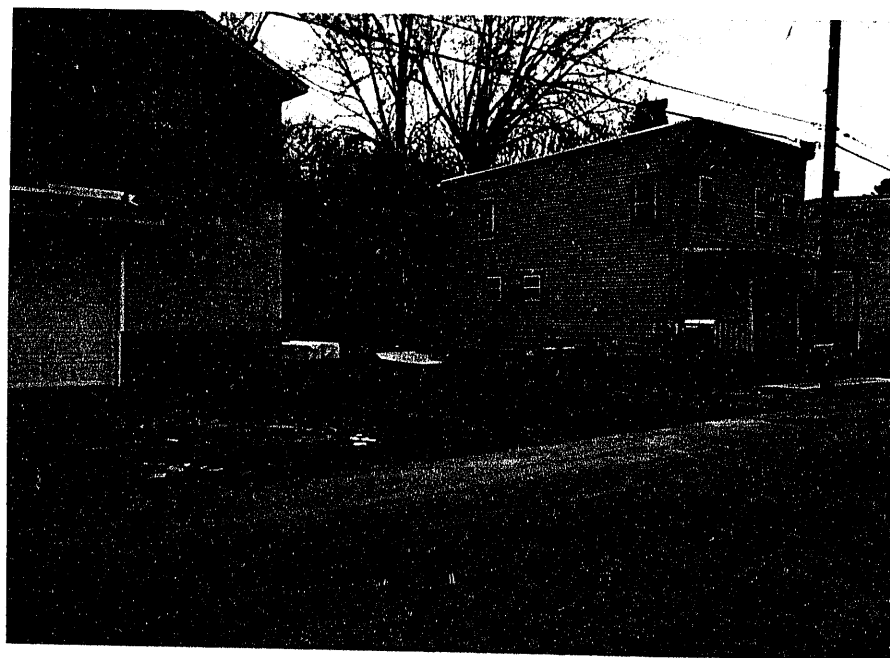
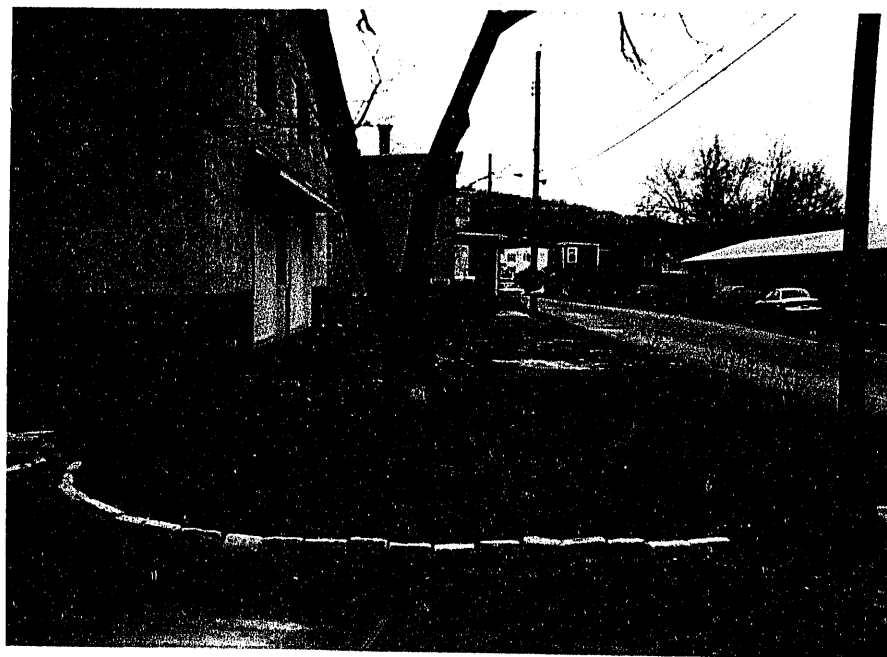
April 26, 1999.

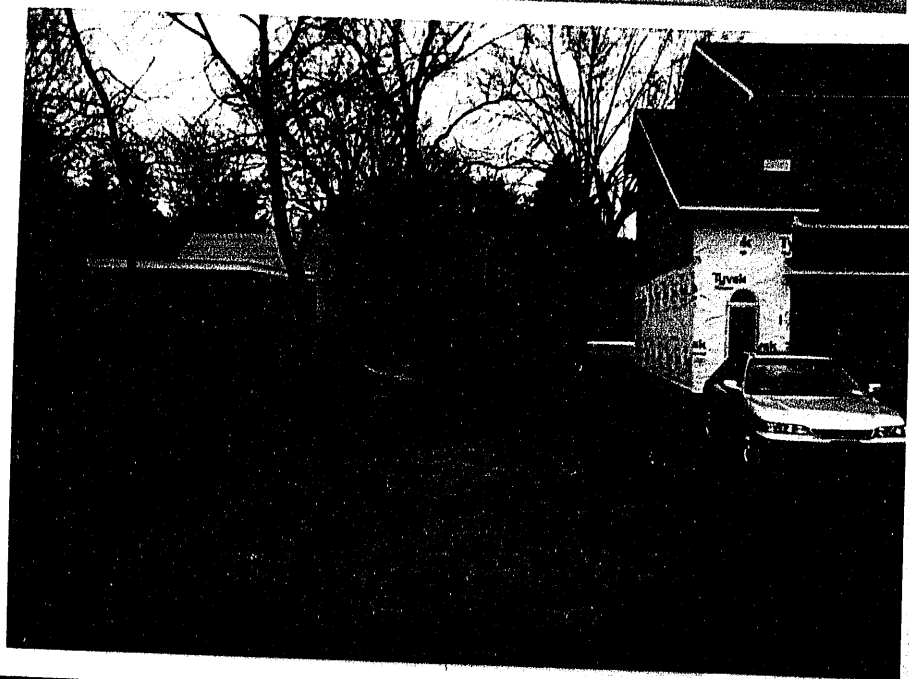
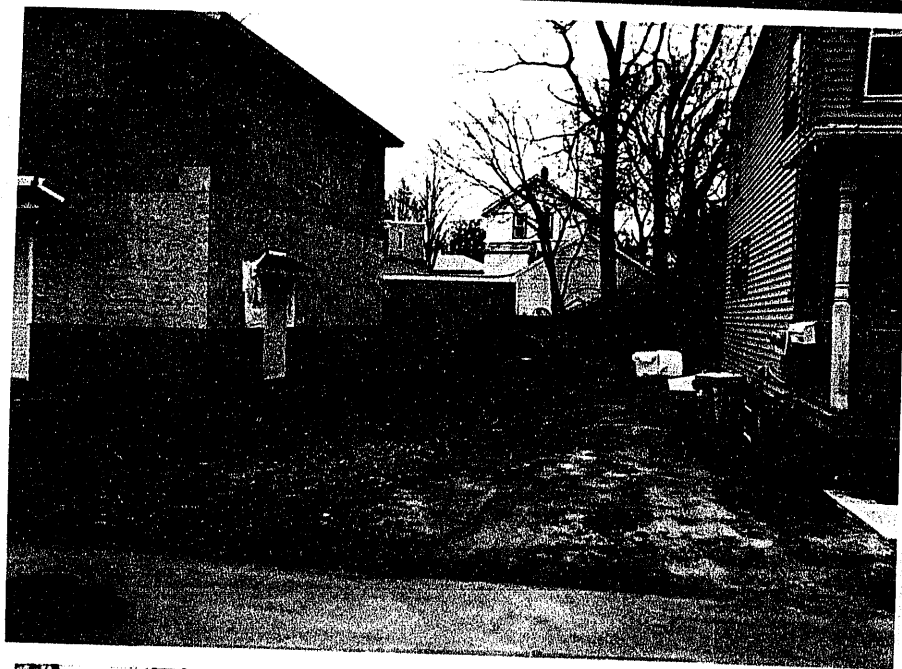
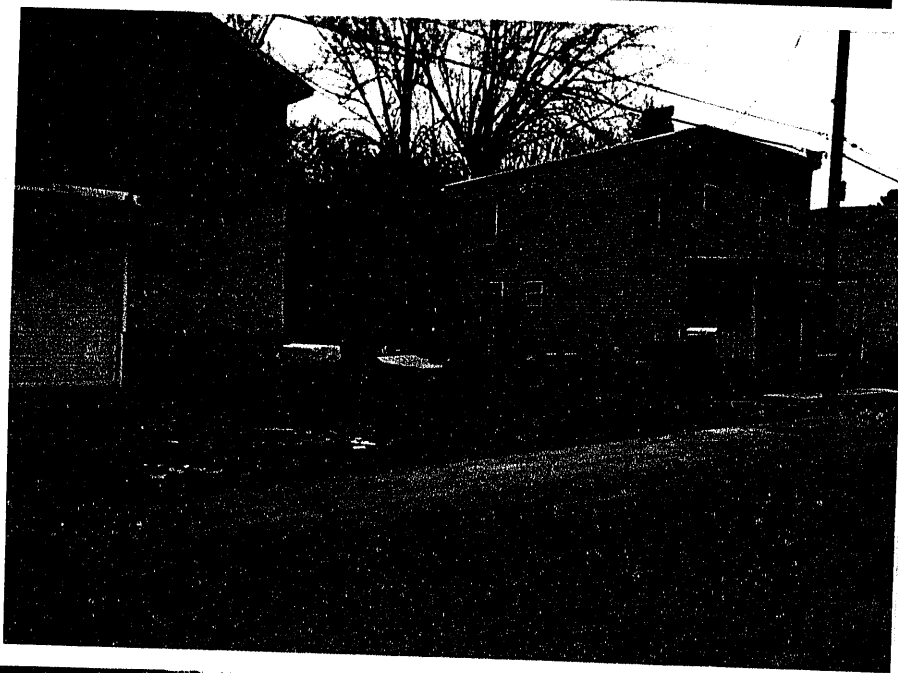
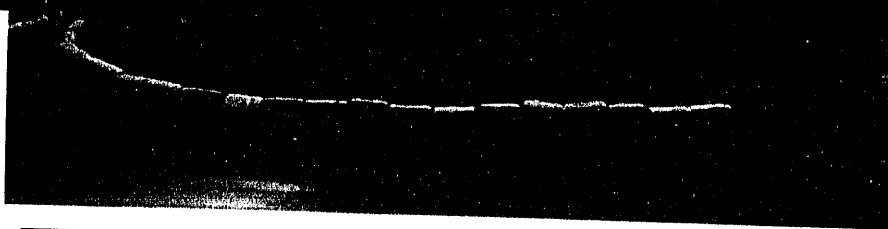
\* 185. Refund

#99-7- Hancan, Frank

14-1-10.11

area - PD zone





Date 5/13, 1999

**TOWN OF NEW WINDSOR**

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Hank Hancan DR.

243 Vails Gate Heights Drive  
New Windsor, N.Y. 12553.

DATE	CLAIMED	ALLOWED
5/13/99	\$ 185. 00	

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Francis Frank

FILE# 99-7

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE     

APPLICATION FOR VARIANCE FEE ..... \$ 50.00

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 3/8/99 - 6pgs \$ 27.00  
2ND PRELIMINARY-PER PAGE 4/20/99 - 4 \$ 18.00  
3RD PRELIMINARY-PER PAGE ..... \$       
PUBLIC HEARING - PER PAGE ..... \$       
PUBLIC HEARING (CONT'D) PER PAGE ..... \$       
TOTAL ..... \$ 45.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 3/8/99 ..... \$ 35.00  
2ND PRELIM. 4/20/99 ..... \$ 35.00  
3RD PRELIM. .... \$       
PUBLIC HEARING ..... \$       
PUBLIC HEARING (CONT'D) ..... \$       
TOTAL ..... \$ 70.00

MISC. CHARGES:

..... \$       
TOTAL ..... \$ 115.00

LESS ESCROW DEPOSIT ..... \$ 300.00  
(ADDL. CHARGES DUE) ..... \$       
REFUND DUE TO APPLICANT \$185.00

Refund

paid 4/15/99  
CK # 1162

Fees:  
CK # 1161

FRANK G. FRANCAN  
243 VAILS GATE HEIGHTS DRIVE  
NEW WINDSOR, NY 12553

50-7222/2219  
0110006275

1161

Date APRIL 15, 1999

Pay to the order of Town of New Windsor \$ 300.00  
Three hundred <sup>00</sup> Too Dollars



Walden Federal

12 Main Street • Walden, New York 12586-1854

Memo 2000

⑆22197222⑆ 01 10 006275 1161

FRANK G. FRANCAN  
243 VAILS GATE HEIGHTS DRIVE  
NEW WINDSOR, NY 12553

50-7222/2219  
0110006275

1162

Date APRIL 15, 1999

Pay to the order of Town of New Windsor \$ 50.00  
Fifty <sup>00</sup> 100 Dollars



Walden Federal

12 Main Street • Walden, New York 12586-1854

Memo 2000

⑆22197222⑆ 01 10 006275 1162

In the Matter of the Application of

**FRANK FRANCAN**

**MEMORANDUM OF  
DECISION GRANTING  
USE & AREA VARIANCE**

#99-7.

**WHEREAS, FRANK FRANCAN**, residing at 7 Columbus Street, New Windsor, New York, N. Y. 12553, has made application before the Zoning Board of Appeals for a 6,250 sq. ft. lot area, 12 ft. 5 in. lot width, 1 ft. 7 in. rear yard, and use variance to allow existing single-family residence at the above location in a PI zone; and

**WHEREAS**, a public hearing was held on the 26th day of April, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of himself for this Application; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in a neighborhood containing residential properties.

(b) The property is zoned PI but all the properties surrounding this property are in fact used for residential purposes and predate the adoption of the Zoning Local Law. There appear to be no industrial uses anywhere near this property.

(c) The property is too small in area to permit its use for the uses listed in the New Windsor Zoning Local Law.



(d) The Applicant intends to reside on the property which is the subject of this Application.

(e) The character of the neighborhood is entirely residential consisting of multi-family and single-family dwellings.

(f) Use of the property for residential purposes appears to be the only feasible use of the property in view of its size and location.

(g) The proposed addition of a stairwell will not create any water hazards or the ponding or collection of water.

**WHEREAS**, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted for the reasons listed above.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

6. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

7. The interests of justice will be served by allowing the granting of the requested area variances.

8. The Applicant cannot realize a reasonable return on this property since, because of its small size and location, it is not suitable for any use permitted in the zone.

9. The alleged hardship to the property is unique in that it is located in an entirely residential area.

10. The use variance will not alter the essential character of the neighborhood.

11. The hardship alleged by the Applicant has not been self-created.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a use variance to allow an existing single-family residence in a PI zone, plus 6,250 sq. ft. lot area, 12 ft. 5 in. lot width, and 1 ft. 7 in. rear yard variance at the above address, in an PI zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: June 14, 1999.

A handwritten signature in cursive script, appearing to read "James H. Hight", is written over a horizontal line.

Chairman

Date 5/5/99, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

Frances Roth  
168 N. Drury Lane  
Newburgh, N.Y. 12550

TO ..... DR.

		CLAIMED	ALLOWED
?	Zoning Board Mtg	75.00	
	Misc - 2		
	Paulik - 4		
	Heredia - 8		
	Pierri - 2		
	Bila - 15		
	Rosendo Guardian Storage - 7		
	Berman - 3		
	Francan - 4 18.00		
	45	202.50	
		277.50	

FRANCAN, FRANK

MR. NUGENT: Request for use variance to allow existing single-family residence in a PI zone, plus 6,250 square foot, 12 ft 5 in. lot width, and 1 ft. 7 in. rear yard variance for residence at 7 Columbus Street in a PI zone.

Mr. Frank Francan appeared before the board for this proposal.

MR. NUGENT: Let the record show no one's in the audience for Frank Francan.

MS. BARNHART: Yes, let me just tell you that we sent out 49 addressed notices, no adjacent property owners and nobody's here.

MR. FRANCAN: Columbus Street is the new listing for that after the third change. The 1.7 feet in the rear yard, still can't agree with it cause my other survey shows three inches, but my new surveyor, you know, can't agree with the other surveyor, that's why the rear yard variance is what I'm asking for. The two side yard variances, actually, originally, I thought I had enough room being 188 but I'm shy by 12 or 11 feet and on the sides even though I'm within like 15 feet plus, you know, back from both side yards for the building in question and the area I guess interprets that and I don't know exactly--

MR. NUGENT: Question that I have, major question that I have is to your building inspector is that were these numbers gotten from the bulk table for the PI zone or for an R-4 zone?

MR. BABCOCK: R-4 zone, the reason is, Jimmy, is that there's no bulk regulations in the PI zone for this use.

MR. NUGENT: And that area really shouldn't be PI.

MR. BABCOCK: That's correct.

MR. NUGENT: That's number 2, I understand that because

there's really nothing down there that's industrial now, there's nothing there. Across the street was Diamond Candle then that was something else before that even.

MR. KRIEGER: But it's all residences around where your are?

MR. FRANCAN: Multi-family, there's like two single-family houses in that area so--

MR. NUGENT: In back of you is multi-family houses on Ledyard for the most part, they are all multi-family.

MR. FRANCAN: And I think I've done a considerable amount of work in the area to bring the whole standard of that area up, not only do I provide a significant amount of light, you know, I mean to help out the police and everything in that area, as far as keeping things clean and neat and landscaping, actually helping out some of the other neighbors and basically taking a lot of pride in what I have been doing and to keep, you know, my work actually home in New Windsor for the last 27 years.

MR. NUGENT: Are you going to live in this house?

MR. FRANCAN: Yes.

MR. TORLEY: So what you have done is renovated an existing structure?

MR. FRANCAN: Structure that was there.

MR. TORLEY: So the structure obviously well pre-exists our zoning, it's been up there a long time in that area?

MR. BABCOCK: Not this one.

MR. FRANCAN: No, not that one.

MR. KRIEGER: So, this structure does not and structures around it do?

MR. BABCOCK: That's correct.

MR. TORLEY: And it fits in with the character of the existing structures, whereas industrial use as required by the zone would be impractical in this area.

MR. BABCOCK: It would be between two multi-family dwellings on a 6,000 square foot lot.

MR. KRIEGER: Is that how big this lot is?

MR. BABCOCK: 6,250, excuse me, it's 8,750, excuse me.

MR. KANE: There's no other realistic use for the lot, except for, to try to put a single family home.

MR. BABCOCK: Not in my opinion and I'm sure his too.

MR. FRANCAN: I'd like to, like I said, use it for work and my truck put in the driveway.

MR. TORLEY: No permitted PI use would fit in the property or require an incredibly excessive area variances to do so.

MR. BABCOCK: That's correct.

MR. TORLEY: This is an area that's primarily residential though zoned by some quirk PI.

MR. BABCOCK: That's correct.

MR. TORLEY: So the structures we're describing fits with the character of the neighborhood, is not going to cause, it would increase the value of the neighborhood and does not cause any additional safety hazards or fire or drainage problems?

MR. FRANCAN: No.

MR. TORLEY: And is the only practical use of the property.

MR. FRANCAN: Correct.

MR. KRIEGER: You're nodding, that indicates that you don't disagree?

MR. BABCOCK: That's correct.

MR. NUGENT: Honestly, I don't see what else can be done with the piece of property, other than what's being done with it.

MS. BARNHART: It's not big enough to be PI.

MR. NUGENT: The whole street's barely big enough to be PI.

MR. KANE: The question I have is do we have enough to write a decision on the use? It's an obviously realistic use of the property.

MR. KRIEGER: In this case, yes.

MR. KANE: Mr. Chairman, under those circumstances, would you accept a motion?

MR. NUGENT: Yes.

MR. KANE: I move we grant the requested use variance and other variances to Mr. Francon.

MS. OWEN: Second it.

ROLL CALL

MS. OWEN	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MR. TORLEY: Motion to adjourn.

MR. KANE: Second it.

ROLL CALL

MS. OWEN	AYE
MR. TORLEY	AYE

*Prelim.*  
**OFFICE OF THE BUILDING INSPECTOR**  
**TOWN OF NEW WINDSOR**  
**ORANGE COUNTY, NEW YORK**

*Mar. 8, 1999*

*# 99-7*

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE:** February 25, 1999

**APPLICANT:** Frank Francan  
7 Columbus Street  
New Windsor, New York 12553

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:** February 22, 1999

**FOR :** Existing one family house.

**LOCATED AT:** 7 Columbus Street

**ZONE:** P-I

**DESCRIPTION OF EXISTING SITE:** 14-1-10.11

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

1. Existing one family house does not meet minimum lot width, rear set backs or minimum lot area.

*[Signature]*  
**BUILDING INSPECTOR**



**PERMITTED****PROPOSED OR  
AVAILABLE:****VARIANCE  
REQUEST:****ZONE: PI      USE: R-4****Bulk Tables****10-C, 10-D, 10-G****MIN. LOT AREA: 15,000'****8,750'****6,250'****MIN LOT WIDTH: 100'****87.5'****12'.5****REQ'D.. FRONT YD:****REQ'D. SIDE YD:****REQD. TOTAL SIDE YD:****REQ'D REAR YD: 40'****38.3'****1'.7****REQ'D FRONTAGE:****MAX. BLDG. HT.:****FLOOR AREA RATIO:****MIN. LIVABLE AREA:****DEV. COVERAGE:****cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP**

**IMPORTANT**

**YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION**

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

**RECEIVED**

**FEB 22 1999**

**BUILDING DEPARTMENT**

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing is completed and before it is covered from inside and plumbing rough-in.
5. Insulation.
6. Plumbing final and final. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Permit number must be called in with each inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and per test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

**PLEASE PRINT CLEARLY**

**FILL OUT ALL INFORMATION WHICH APPLIES TO YOU**

Owner of Premises FRANK FRANCAN  
Address 7 COLUMBUS STREET, NEW WINDSOR Phone 914-562-6712

Mailing Address SAME

Name of Architect BOB SEARS

Address 35 MERLINE AVE NEW WINDSOR Phone 562-6215

Name of Contractor FRANK FRANCAN

Address SAME Phone SAME 1-860-925-1429

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER / BUILDER

If applicant is a corporation, signature of duly authorized officer.

AF

Name and title of authorized officer

PID #  
6135

**BOX**  
FOR OFFICE USE ONLY

Building Permit # \_\_\_\_\_

1. On what street is property located? On the SOUTH side of COLUMBUS STREET  
and 9W (200') feet from the intersection of 9W AND COLUMBUS STREET  
ON, S, E or W
2. Zone or use district in which premises are situated INDUSTRIAL Is property a flood zone?  
Y N X
3. Tax Map Description: Section 14 Block 1 Lot 10.11
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
  - a. Existing use and occupancy NONE
  - b. Intended use and occupancy APT/OFFICE/GARAGE FELTICK
5. Nature of work (check if applicable) New Bldg X Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☐
6. Is this a corner lot? NO
7. Dimensions of entire new construction. Front 56'4" Rear 34'8" Depth          Height 30' No. of stories 1
8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor 1

Number of bedrooms	<u>1</u>	Baths	<u>4</u>	Toilets	<u>4</u>
Heating Plant: Gas	<u>X</u>	Oil	<u>        </u>	Electric/Hot Air	<u>        </u>
		If Garage, number of cars	<u>2</u>	Hot Water	<u>X</u>
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use OFFICE W/ APT OTHER SIDE, GARAGE BELOW
10. Estimated cost \$5,000 Fee          To be Paid on this Application
11. School District: NEWBIRGH

Costs for the work described in the application for Building Permit shall be paid by the applicant.

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

Mark Hancan

Applicant.

# 99-7

**AFFIDAVIT OF  
SERVICE BY  
MAIL**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

**PATRICIA A. BARNHART, being duly sworn, deposes and says:**

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on Apr. 15, 1999, I compared the 49 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this

15<sup>th</sup> day of April, 1999.

Deborah Green  
Notary Public

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 1999

**ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE**  
**THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE**



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

GINNY MARTA

TO

✓ FRANK FRANCAN

SECTION 14 BLOCK 1 LOT 10

**RECORD AND RETURN TO:**

(Name and Address)

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

JERALD FIEDELHOLTZ, ESQ.  
PO BOX 4088  
NEW WINDSOR, NY 12553

**DO NOT WRITE BELOW THIS LINE**

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

**PROPERTY LOCATION**

<input type="checkbox"/> 2089 BLOOMING GROVE (TN)	<input type="checkbox"/> 4289 MONTGOMERY (TN)
<input type="checkbox"/> 2001 WASHINGTONVILLE (VLG)	<input type="checkbox"/> 4201 MAYBROOK (VLG)
<input type="checkbox"/> 2289 CHESTER (TN)	<input type="checkbox"/> 4203 MONTGOMERY (VLG)
<input type="checkbox"/> 2201 CHESTER (VLG)	<input type="checkbox"/> 4205 WALDEN (VLG)
<input type="checkbox"/> 2489 CORNWALL (TN)	<input type="checkbox"/> 4489 MOUNT HOPE (TN)
<input type="checkbox"/> 2401 CORNWALL (VLG)	<input type="checkbox"/> 4401 OTISVILLE (VLG)
<input type="checkbox"/> 2600 CRAWFORD (TN)	<input type="checkbox"/> 4600 NEWBURGH (TN)
<input type="checkbox"/> 2800 DEERPARK (TN)	<input checked="" type="checkbox"/> 4800 NEW WINDSOR (TN)
<input type="checkbox"/> 3089 GOSHEN (TN)	<input type="checkbox"/> 5089 TUXEDO (TN)
<input type="checkbox"/> 3001 GOSHEN (VLG)	<input type="checkbox"/> 5001 TUXEDO PARK (VLG)
<input type="checkbox"/> 3003 FLORIDA (VLG)	<input type="checkbox"/> 5200 WALLKILL (TN)
<input type="checkbox"/> 3005 CHESTER (VLG)	<input type="checkbox"/> 5489 WARWICK (TN)
<input type="checkbox"/> 3200 GREENVILLE (TN)	<input type="checkbox"/> 5401 FLORIDA (VLG)
<input type="checkbox"/> 3489 HAMPTONBURGH (TN)	<input type="checkbox"/> 5403 GREENWOOD LAKE (VLG)
<input type="checkbox"/> 3401 MAYBROOK (VLG)	<input type="checkbox"/> 5405 WARWICK (VLG)
<input type="checkbox"/> 3689 HIGHLANDS (TN)	<input type="checkbox"/> 5600 WAWAYANDA (TN)
<input type="checkbox"/> 3601 HIGHLAND FALLS (VLG)	<input type="checkbox"/> 5889 WOODBURY (TN)
<input type="checkbox"/> 3889 MINISINK (TN)	<input type="checkbox"/> 5801 HARRIMAN (VLG)
<input type="checkbox"/> 3801 UNIONVILLE (VLG)	
<input type="checkbox"/> 4089 MONROE (TN)	
<input type="checkbox"/> 4001 MONROE (VLG)	
<input type="checkbox"/> 4003 HARRIMAN (VLG)	
<input type="checkbox"/> 4005 KIRYAS JOEL (VLG)	

**CITIES**

☐ 0900 MIDDLETOWN  
☐ 1100 NEWBURGH  
☐ 1300 PORT JERVIS

NO. PAGES 1 CROSS REF         
CERT. COPY        AFFT. FILED       

PAYMENT TYPE: CHECK ☒  
CASH ☐  
CHARGE ☐  
NO FEE ☐

CONSIDERATION \$ 7000  
TAX EXEMPT ☐

MORTGAGE AMT \$         
DATE       

**MORTGAGE TYPE:**  
☐ (A) COMMERCIAL  
☐ (B) 1 OR 2 FAMILY  
☐ (C) UNDER \$10,000.  
☐ (E) EXEMPT  
☐ (F) 3 TO 6 UNITS  
☐ (I) NAT.PERSON/CR.UNION  
☐ (J) NAT.PER-CR.UNI OR 2  
☐ (K) CONDO

*Joan A Macchi*

JOAN A. MACCHI  
Orange County Clerk

☐ 9999 HOLD

RECEIVED FROM: Hill - N Dale

LIBER 4610 PAGE 106

ORANGE COUNTY CLERKS OFFICE 39013 DAB  
RECORDED/FILED 08/04/97 03:12:48 PM  
FEES 38.00 EDUCATION FUND 5.00  
SERIAL NUMBER: 000061  
DEED CNTL NO 58169 RE TAX 28.00

---

THIS IS A LEGAL INSTRUMENT AND SHOULD BE EXECUTED UNDER SUPERVISION OF AN ATTORNEY.

THIS INDENTURE, made the 28<sup>th</sup> day of July 1997.

HN 23163

BETWEEN

**GINNY MARTA, residing at 28 Idlewild Park Drive,  
Apartment 3, Cornwall, New York 12520**

grantor

**FRANK FRANCAN, residing at 243 Vails Gate Heights Drive,  
New Windsor, New York 12553**

grantee

WITNESSETH, that the grantor, in consideration of

\_\_\_\_\_ **TEN AND NO/100 (\$10.00)** \_\_\_\_\_ Dollars, paid by the grantee  
hereby grants and releases unto the grantee, the heirs or successor and assigns of the grantee forever,

**ALL**

**that certain plot, piece or parcel of land, lying, situate and being in the  
Town of New Windsor, County of Orange, State of New York, known and  
designated as Lot #11, 12 and the easterly one-half of Lot #13 on a "Map of  
lands of the Estate of D.P. Kelley, deceased, New Windsor, N.Y. December  
1892 made by Caldwell and Garrison, Surveyors and filed in the Orange  
County Clerk's Office January 7, 1893, which said lots are more particularly  
bounded and described as follows:**

**BEGINNING at a point on the southerly side of Columbus Street as laid  
down on said map (now John Street), at the northeasterly corner of lands of  
Coffey and distant 229 feet, 1-1/2 inches east of the east line of Quassaick  
Avenue and running thence southerly along the line of lands of Coffey for 100  
feet to a point in the northerly line of Lot #27 as shown on said map; thence  
easterly and along the northerly lines of Lots Nos. 27, 28 and 29 for 62 feet 6  
inches to the southwesterly corner of Lot #10 on said map; thence northerly  
along the westerly line of Lot #10 for 100 feet to the southerly line of John Street  
(formerly Columbus Street); thence westerly along the southerly line of John  
Street (formerly Columbus Street) 62 feet 6 inches to the point or place of  
BEGINNING.**

**BEING the same premises as conveyed by deed dated November 27,  
1995 from Tindaro Marta to Ginny Marta and recorded in the Orange County  
Clerk's Office on December 4, 1995 in Liber 4309 at Page 54.**

**TOGETHER** with the appurtenances and all the estate and rights of the grantor in and to said premises. **TO HAVE AND TO HOLD** the premises herein granted unto the grantee, the heirs or successors and assigns of the grantee forever. **AND** the said grantor covenants that the grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatever. This deed is subject to the trust provisions of Section 13 of the Lien Law.

The words "grantor" and "grantee" shall be construed to read in the plural whenever the sense of this deed so requires. **IN WITNESS WHEREOF**, the grantor has executed this deed the day and year first above written.

In presence of:

Ginny Marta L. S.  
GINNY MARTA  
L. S.

**HILL-N-DALE ABSTRACTERS, INC.**

20 SCOTCHTOWN AVENUE  
GOSHEN, NEW YORK 10924  
(914) 294-5110  
FAX (914) 294-9581

AND THE FOREGOING INSTRUMENTS ARE SIGNED AND  
executed, the foregoing instrument; deponent knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; deponent signed deponent's name thereto by like order.

**SUSAN R. STEINBERG**  
Notary Public, State of New York  
Qualified in Orange County  
Reg. #4520728  
Commission Expires July 31, 1998

STATE OF NEW YORK, COUNTY OF ORANGE

On the 28<sup>th</sup> day of July 19 97, before me personally came

GINNY MARTA

to me known to be the individual described in, and who executed the foregoing instrument, and acknowledged that she executed the same.

Susan R. Steinberg  
NOTARY PUBLIC - STATE OF NEW YORK

LIBER 4610 PG 107





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 563-4631  
Fax: (914) 563-4693

## Assessors Office

49

October 15, 1998

Frank Francan  
7 Columbus Street  
New Windsor, NY 12553

Re: 14-1-10.1 & 14-1-11

Dear Mr. Francan:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced properties.

The charge for this service is \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's office.

Sincerely,

*Leslie Cook /cmo*  
LESLIE COOK  
Sole Assessor

/cmo  
Attachments

[REDACTED]

9-1-66.1  
Masud N. Naraghi  
C/o Torr International  
70 John Street  
New Windsor, NY 12553

9-1-67  
PAFFENDORF B  
1 Quassaick Avenue  
New Windsor, NY 12553

9-1-68.2  
County Of Orange  
255-275 Main Street  
Goshen, NY 10924

9-1-69.2  
American Felt & Filter Co. Inc.  
311 First Street  
Newburgh, NY 12550

13-4-14  
Van Zandt, Thomas & Marlene  
108 John Street  
New Windsor, NY 12553

13-4-15  
Thom David & Brenda  
104 John Street  
New Windsor, NY 12553

13-5-13.1  
Ostner Richard & Linda  
66 Union Avenue  
New Windsor, NY 12553

13-5-15  
Collins Michael & Donna  
6 Cedar Avenue  
New Windsor, NY 12553

13-5-16  
Bridge Road Realty Corp.  
218 15<sup>th</sup> Street  
West Babylon, NY 11704

13-5-43  
Blinn Nancy M.  
122 E. Coplar Street  
Palmyra, PA. 17078

13-5-45  
Quassaick Fire Engine Co.  
275 Walsh Road  
New Windsor, NY 12553

14-1-1  
Curtin Thomas & Donna  
17 Winchester Way  
Washingtonville, NY 10992

14-1-2  
Mitchell Roland Sr. & Marie  
27 Columbus St.  
New Windsor, NY 12553

14-1-3  
Jimenez Jorge & Isabel  
PO Box 2947  
Newburgh, NY 12550

14-1-4  
Torraco Claudia  
23 Columbus Street  
New Windsor, NY 12553

14-1-15  
Palumbo Alfred & Margaret  
186 Caesars Lane  
New Windsor, NY 12553

14-1-16.1  
Kroun Ira  
1 Columbus Street  
New Windsor, NY 12553

14-1-17  
Bosacky Victor & Alice  
15 Ledyard Street  
New Windsor, NY 12553

14-1-20  
Rumsey M c/o Mira E Blythe  
7 Perry Street  
Morristown, NJ 07960

14-1-21  
Anderson C. & C Torelli  
27 Ledyard Street  
New Windsor, NY 12553

14-1-22  
Grevas Brenda  
921 Maple Grove Ch. Rd.  
Hays, NC 28635

14-1-24  
Reeves Edward C.  
19 Quassaick Avenue  
New Windsor, NY 12553

14-7-12  
Bianco Patrick  
324 Collabar Road  
Montgomery, NY 12549

14-2-1  
Deyo Dennis  
778 Broadway  
Newburgh, NY 12550

14-7-13  
Maldonado Hermينو & Zelandia  
44 Quassaick Avenue  
New Windsor, NY 12553

14-7-25  
Jones Harold & Shirley  
9 Cedar Avenue  
New Windsor, NY 12553

14-2-2  
Lucas Michael D.  
146 Quassaick Avenue  
New Windsor, NY 12553

14-7-14  
Jacobson Michael  
16 Paulding Avenue  
Cold Springs, NY 10516

14-7-15  
52 Quassaick Avenue Inc.  
C/O Somporn Toombs  
32 Ellis Avenue  
Newburgh, NY 12550

14-7-27  
Piqueras Jr. Joseph  
5 Cedar Avenue  
New Windsor, NY 12553

14-7-16  
Pisano Dominick & Dona  
169-6-1/2 Station Road  
Goshen NY 10924

14-7-17  
Frank H. Reis Realty Corp  
79 N. Front St.  
Kingston, NY 12401

14-8-3  
Szloboda Ann C.  
14 Ledyard Street  
New Windsor, NY 12553

14-7-3  
Catalano Toni Ann  
26 Quassaick Avenue  
New Windsor, NY 12553

14-7-19  
Traver George & Bertha  
26 Quassaick Avenue  
New Windsor, NY 12553

14-8-4  
Hryncewich Gloria C.  
53 Brane Avenue  
Hawthorne, New Jersey 07506

14-7-7  
Acquaro Salvatore  
16 Hillside Avenue  
New Windsor, NY 12553

14-7-21  
Robare Mary Ann  
289 Walsh Avenue  
New Windsor, NY 12553

14-8-5  
Fernandez Humberto Celsa  
15 Plympton Street  
New Windsor, NY 12553

14-7-8  
Petro Marie  
24 Stori Road  
Newburgh, NY 12550

14-7-22  
Camacho Jose  
287 Walsh Avenue  
New Windsor, NY 12553

14-8-6  
Grable Natasha & Lenora  
313 Walsh Avenue  
New Windsor, NY 12553

14-7-9  
Cleeves David  
8 Bridge Street  
Cornwall, NY 12518

14-7-23  
Ritz Ferdinand A.  
283 Walsh Avenue  
New Windsor, NY 12553

14-8-7  
Saffioti Bros. Inc.  
61 Quassaick Avenue  
New Windsor, NY 12553

14-8-9

Espana Mario & Ezenia  
PO Box 4259  
New Windsor, NY 12553

14-8-10

Orzechowski Zygmuni & Stella  
53 Quassaick Avenue  
New Windsor, NY 12553

14-8-12

Gray E. Arthur c/o MHG Realty  
45 Quassaick Avenue  
New Windsor, NY 12553

14-2-3.1

10 PLYMPTON STREET CORP  
484 Temple Hill Rd.  
New Windsor, NY 12553

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE  
THIS PAGE IS PART OF THE INSTRUMENT. DO NOT REMOVE

PRINT OR TYPE: BLACK INK ONLY

JOHN BIDOSKY, III

TO  
FRANK FRANCAN

NOV 23 1994

SECTION 14 BLOCK 1 LOT 11, 12, & 13

RECORD AND RETURN TO:  
(Name and Address)

Jerald Fiedelholz, P.C.  
P.O. Box 4088  
270 Quassaick Avenue  
New Windsor, New York 12553

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 62346 DATE 10-6-94 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED / MORTGAGE SATISFACTION ASSIGNMENT OTHER

BG20	Blooming Grove	SERIAL NO.		CHECK	CASH	CHARGE
CH22	Chester	Mortgage Amount \$				
CO24	Cornwall	Exempt Yes	No			
CR26	Crawford	3-5 Cooking Units Yes	No			
DP28	Deerpark	Received Tax on above Mortgage				
GO30	Goshen	Basic \$				
GR32	Greenville	MTA \$				
HA34	Hamptonburgh	Spec. Add. \$				
HI36	Highlands	TOTAL \$				
MK38	Ministink					
ME40	Monroe					
MY42	Montgomery					
MH44	Mount Hope					
NT46	Newburgh (T)					
NW48	New Windsor					
TU50	Tuxedo					
WL52	Walkill					
WK54	Warwick					
WA56	Wawayanda					
WO58	Woodbury					
MO60	Middletown					
NC11	Newburgh					
PJ13	Port Jervis					
9999	Hold					

JOAN MACCHI  
Orange County Clerk

by Ed  
ORANGE COUNTY CLERK'S OFFICE S.S.  
Recorded on OCT 19 1994  
at 2:59 O'clock PM  
in Liber/Film 1625 Book  
at page 336 and examined.  
Joan A. Macchi  
County Clerk

Affirmative  
RECEIVED  
\$ 220-  
REAL ESTATE  
OCT 19 1994  
TRANSFER TAX  
ORANGE COUNTY

LIBER 4125 PAGE 336

ORC 10/19/94 02:59:46 48599 44.00  
\*\*\*\*\* EDUCATION FUND: 5.00 \*\*\*\*\*  
DEED CONTROL NO: 62346 220.00 \*  
\*\*\*\*\* SERIAL NUMBER: 002405 \*\*\*\*\*

**CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT — THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.**

**THIS INDENTURE**, made the 6<sup>th</sup> day of OCTOBER, nineteen hundred and ninety-four  
**BETWEEN** John Bidosky, III, presently residing at P.O. Box 274,  
Mountainville, New York 10953,

party of the first part, and Frank Francon, presently residing at 243 Vails Gate  
Heights, New Windsor, New York 12553,

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of -----TEN-----

-----(\$10.00)----- dollars,

lawful money of the United States, & other good & valuable considerations paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors  
and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and  
being in the

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point on the southerly line of John Street, said point shown as the northwesterly corner of Lot #10 on a map of lands of D.P. Kelly, deceased, New Windsor, New York December 1892, said map made by Caldwell and Garrison, Newburgh, New York and filed in the Orange County Clerk's Office, January 7, 1893, said point located 290.62 feet on a course of South 85 degrees 30 minutes East from the intersection of the easterly line Quassaick Avenue with the southerly line of John Street, thence from said point of beginning along the street line South 85 degrees 30 minutes East, 100.00 feet to a point marked by a large pipe in a tree, thence South 04 degrees 30 minutes West, mostly along a chain link fence, 100.00 feet to a fence corner, thence parallel with the street line North 85 degrees 30 minutes West, 100.00 feet to a point, thence North 04 degrees 30 minutes East, 100.00 feet to a point on the southerly line of John Street and the point of beginning, together with all adjoining gores & strips of property including any parcels which may have been acquired through adverse possession.

SUBJECT to covenants, easements, restrictions and agreements of record if any.

BEING and intended to be the same premises conveyed by Sophie Bidosky, Patricia Lenz, Marie Reeves and John Bidosky, III to John Bidosky, III by Deed dated March 1, 1984 and recorded in the Orange County Clerk's Office on March 5, 1984 in Liber 2277 of Deed at page 230.

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 99-7

Date: \_\_\_\_\_

I. ✓ Applicant Information:

- (a) FRANK FRANCAN 562-6712 7 Columbus Street New Windsor, NY.  
(Name, address and phone of Applicant) (Owner) 12553
- (b) SAME  
(Name, address and phone of purchaser or lessee)
- (c) GERARD FIDELHOLTZ P.O. Box 4088 270 Quaker Ave New Windsor  
(Name, address and phone of attorney) NY 12553
- (d) Bob Gales 562-6215  
(Name, address and phone of contractor/engineer/architect) 562-4630

II. ✓ Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) PF 7 Columbus Street 14-1-10.11 100x87  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? MULTI FAMILY / BUSINESS
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1997
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_



(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of 48/6 Bulk Tables Regs., Col. C, D, G.

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>15,000</u>	<u>8750</u>	_____
Min. Lot Width <u>100</u>	<u>87.5</u>	_____
Reqd. Front Yd. <u>0</u>	_____	_____
Reqd. Side Yd. <u>0</u>	_____	_____
Reqd. Rear Yd. <u>40'</u>	<u>38.3</u>	_____
Reqd. Street Frontage*	_____	_____
Max. Bldg. Hgt.	_____	_____
Min. Floor Area*	_____	_____
Dev. Coverage* _____%	_____%	_____%
Floor Area Ratio**	_____	_____
Parking Area	_____	_____

\* Residential Districts only

\*\* No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

I HAVE LIVED IN N.W. FOR ALL OF MY LIFE, I DID THE BEST I COULD ~~WITH~~ TURNING, AND IMPROVING THE NEIGHBORHOOD WHERE I LIVE, I HAVE BROUGHT BACK TO LIFE, ~~AND~~ ~~AT~~ PLACES THAT REALLY WERE IN BAD SHAPE. I HAVE DONE A LOT OF NICE THINGS FOR THE AREA WHERE I LIVE AND WORK FROM.

ALSO TO HELP MY BUSINESS I COULD NOT PURCHASE A BUILDING COMPABLE IN N.W.  
(You may attach additional paperwork if more space is needed)

#### VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, \_\_\_\_\_ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

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(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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#### VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

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#### VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

~~Previous tracks removed w/ regards to fixing up the  
couple of places I have already. I have a very great  
challenge to make sure the area is kept the same, clean,  
upgraded. Landscaping will include trees/shrubs, again like  
the project before kept in the utmost of quality workmanship.  
I also provide a great deal of lighting to this area.~~

✓ IX. Attachments required: of Columbus Street which was otherwise DARK.

- ✓ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ✓ Copy of tax map showing adjacent properties.
- N/A Copy of contract of sale, lease or franchise agreement.
- ✓ Copy of deed and title policy.
- ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A Copy(ies) of sign(s) with dimensions and location.
- ✓ Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$300.00, each payable to the TOWN OF NEW WINDSOR.
- ✓ Photographs of existing premises from several angles.

X. Affidavit.

Date: 3/15/99

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

x [Signature]  
(Applicant)

Sworn to before me this

15th day of April, 1999.

Patricia C. Barnhart

XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_.

PATRICIA A. BARNHART  
Notary Public, State of New York  
No. 01844904434  
Qualified in Orange County  
Commission Expires August 31, 1999.

(b) Variance: Granted (\_\_\_) Denied (\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Pls. publish immediately. Send bill to Applicant @ below address.

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 7

Request of Frank Francan

for a VARIANCE of the Zoning Local Law to permit:

Single-family residence in R.D. zone w/ insufficient  
lot area, lot width and rear yard;

being a VARIANCE of Section 48-12 - Table of Use/Bulk  
Regs. - Cols. C, D, G. & 48-9.

for property situated as follows:

7 Columbus Street, New Windsor, N.Y. 12553

known as tax lot Section 14 Block 1 Lot 10.11.

SAID HEARING will take place on the 26th day of April,  
1999, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P. M.

James Nugent  
Chairman

By: Patricia A. Barnhart, Sec'y.

DATE		CLAIMED	ALLOWED
3/8/94	Zoning Board Mtg (Denise Prodnick)	75 00	
	Misc-2		
	Francon-6 27.10		
	Ny Telephone-Petrone-13		
	<u>21</u>	94 50	
		1169 50	

PRELIMINARY MEETING:

FRANCAN, FRANK

Mr. Frank Francan appear before the Board for this proposal.

MR. NUGENT: Request for 6,250 foot lot area, 12 foot 5 inch lot width and 1 foot 7 inch rear yard variance for an existing one-family residence at 7 Columbus Street in a PI zone. You're on. Tell us what you're doing and why you need these variances.

MR. FRANCAN: What I propose to do is I have a plumbing and heating business and I'm just going to put my office and apartment kind of like one thing upstairs and the shop underneath, or at least for a garage underneath. What I was doing, I thought I had all the exact dimensions of whatever I needed for size and spec to keep the lot lines, and then I got a survey and Frank Lisi had said that I need some different things or to combine a lot. And this time I'm asking for the three different items to adhere to certain size requirements. The area itself is small, all the parcels down there are very small.

MR. NUGENT: Frank, Columbus is on John and then Columbus is --

MR. FRANCAN: It use to be John Street and now it's Columbus Street due to the 911 change.

MR. NUGENT: Columbus is where you're building the new garage?

MR. FRANCAN: Right.

MR. NUGENT: Is that the building you're talking about with the new garage?

MR. FRANCAN: Right.

MS. OWEN: Is that down by Gus's?

MR. FRANCAN: Yes. Across the street, closer to the river side of Gus's Tavern.

MR. NUGENT: In back of the pool table place.

MR. TORLEY: It's right across the street there where

it was an office building and headquarters few years back; is that the one we're talking about?

MR. NUGENT: Yeah, behind.

MR. FRANCO: Where Moroney's use to be.

MR. TORLEY: Yes.

MR. NUGENT: You know where?

MR. REIS: Yes.

MS. OWEN: This is already existing?

MR. FRANCAN: No. It would be a new structure, new building.

MR. TORLEY: But the lot, you're not changing the lot size?

MR. FRANCAN: I added a lot to the lot that was already there, a small little.

MR. REIS: Do you have a tax map or anything?

MR. FRANCAN: I have a survey.

MR. REIS: You got an extra one there, Frank?

MR. FRANCAN: Yeah. I'm sorry I don't have enough copies for everyone.

MR. TORLEY: What's there now?

MR. FRANCAN: Nothing. It's vacant.

MR. TORLEY: I'm confused then.

MS. BARNHART: On this Notice of Disapproval it says exiting one-family house, that's what confuses everybody I think. You're building a house there?

MR. FRANCAN: Yes, I was building.

MS. BARNHART: So it's not existing?

MR. BABCOCK: Well, it's partially there.

MS. BARNHART: Partially existing. Okay.



March 3, 1999

4

MR. NUGENT: You can't move the building to get enough to meet the requirements; right?

MR. FRANCAN: Right. Originally, I have a survey for the building I own next door to it, and the survey for that building shows that this 1.7 foot in the back it's like both surveyors have different readings. So I didn't know how many different surveys I would actually need or who actually has the actual correct markings with the old lot.

MR. TORLEY: But you would need a lot area anyway.

MR. FRANCAN: Yeah, it would need a lot area anyway, correct. That's another reason why I'm here.

MR. NUGENT: That will clean it all up if you get that. I have no further questions. Anybody on the board have any further questions?

MR. TORLEY: So you're going to put your business below and have the apartment above?

MR. FRANCAN: Correct. Well, it's a garage for my truck, for my tools and things.

MR. BABCOCK: It's a house with a garage underneath is what it is. Single-family house.

MR. TORLEY: But it's a PI zone.

MR. NUGENT: There's nothing down there that's PI anymore.

MR. FRANCAN: It's a watchman's apartment.

MR. TORLEY: That was what I was thinking, caretaker's, watchman's, owner's. Is it still PI, or did we get that redrawn?

MR. NUGENT: It's never been changed, Mike?

MR. TORLEY: In the PI zone you're permitted to have a watchman's apartment or something in the structure.

MR. BABCOCK: Yeah, caretaker's apartment, but --

MR. TORLEY: There's a size requirement there.

MR. BABCOCK: Yeah.

MR. TORLEY: You may want to change the area variance request then.

MR. BABCOCK: Yeah, well, I'll have to check with Frank tomorrow, he's handling this. That's why he got started, because when he came in with the original survey it looked fine and we told him it was all right to go start it. And then when he got the new survey, it was different, and that's why he came here tonight. I thought it was all over with, quite honestly.

MR. TORLEY: I can see how the survey would be off with a rear yard variance, but how is it off --

MR. NUGENT: Well, there's nothing really to go by over there.

MR. BABCOCK: What happened was, Larry, they added Lot 11, which if you look at the survey it's actually Lot 10, it was formally on the tax map 11. Do you have a survey?

MR. TORLEY: Yeah.

MR. BABCOCK: 11 was added to it. This was added to the rest of that.

MR. REIS: This was just a lot line change, Mike; right?

MR. BABCOCK: Actually, what he did was when you add two lots, consolidate two lots, we have no objection to that when you're making a situation better. It's like a 25 foot lot that he added to this lot to help out so he doesn't need a variance for that side of the house.

MR. REIS: That originally came off the lot to the left of that?

MR. FRANCAN: Yeah. There were so many little lots and I had no use, I mean, it was parking but actually it was grass.

MR. TORLEY: One looks like 10 feet across.

MR. FRANCAN: Yeah. It's not much, but it's 60 or \$110 a year in taxes.

MR. NUGENT: There's nothing in that area down there that's PI anymore.

MR. BABCOCK: No.

MR. NUGENT: Nothing.

MR. BABCOCK: I'm not sure how Frank is treating it quite honestly. I'll have to ask him.

MR. NUGENT: We can't apply a PI standard to this piece of property. If anything, you go with R-4.

MR. BABCOCK: That's what Frank used.

MR. FRANCAN: That's what he used, I have it on there.

MR. TORLEY: If it's defined as PI, we're stuck with it, though. If the map says PI, we have to try to find some way around that.

MR. NUGENT: What Frank did, he said zone PI, use R-4.

MR. TORLEY: Yeah, I see that.

MR. NUGENT: You can't use a PI, there's nothing down there that's PI anyway.

MR. TORLEY: You're right. If the map says PI, we just can't just say, well, we're not going to use PI.

MR. NUGENT: Then you have to give him a 70,000 square lot area.

MR. TORLEY: Well, if we've got to do that, then we've got to do that. I think we'd be challenged if we said even if it's on the map PI, we're just going to consider it R-4. Am I correct in that, Andy? We just can't --

MR. KRIEGER: Yes.

MR. NUGENT: I think what we should do, set him up for a public hearing and let Frank correct.

MR. BABCOCK: Yeah, I'll talk to him tomorrow. This whole thing has been really confusing with the survey and the whole deal. I'll talk to Frank tomorrow and I'll get Patty the new numbers whatever they are and get them back to Pat tomorrow.

MR. TORLEY: Mr. Chairman, entertain a motion on this?

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MR. NUGENT: Yes.

MR. TORLEY: I move we set up Mr. Francan for a public hearing on his requested area variances as may be corrected by the building inspector for number values.

MS. OWEN: I second.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. NUGENT: You have to take this. You're going to have to meet the public hearing, fill that out and read the directions, and the attorney wants to talk to you.

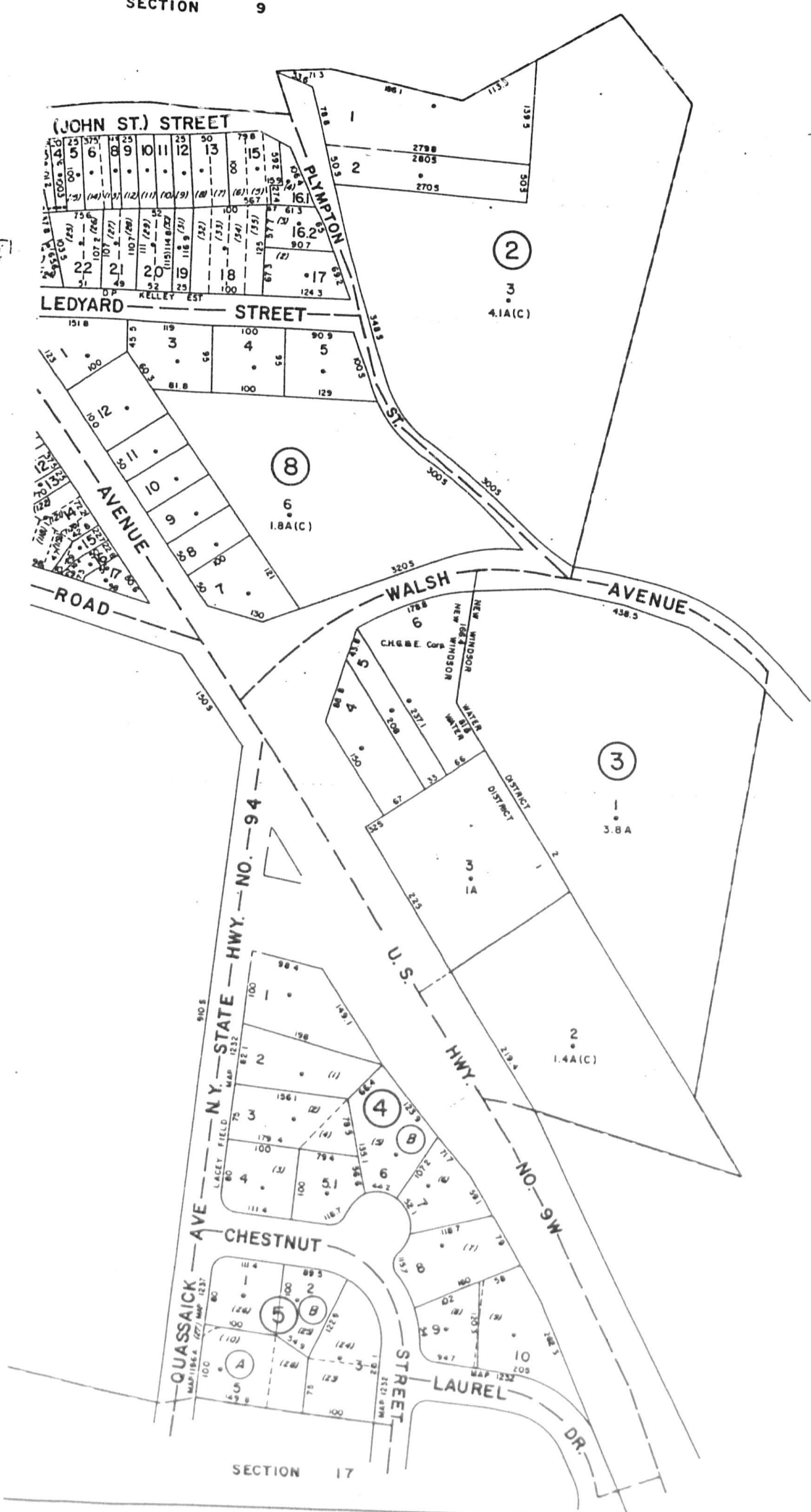
MR. KRIEGER: When you come back, if you would address yourself to the criteria on that sheet, that would be helpful because those are the criteria of which the state requires that the Zoning Board decide.

MR. FRANCAN: Okay. Thank you.

MR. KRIEGER: Larry, with respect to your question with the PI, you have to remember this is the Zoning Board of Appeals, if he isn't cited for that, then there's nothing to appeal. The Board only has to decide those things that are in front of it. If it's not in front of the Board, then they don't have to decide. If they grant an area variance, it's remaining, in essence, silent on that issue of whether it's a proper use allowed in that zone. If it's not applied for, it's not granted, and if he's not denied on that basis, then there's nothing to appeal to the board.

MR. BABCOCK: We'll change it. Frank might be using a regulation in the PI zone, like you said, with a business and caretaker's apartment. And if it is and numbers need to change, then we have to change it.

SECTION 9



SECTION 9

# ORANGE COUNTY~NEW YORK

FILED PLAN BLOCK NO.	22
FILED PLAN LOT NO.	122
ACT	STATE HIGHWAYS
COUNTY HIGHWAYS	COUNTY HWY. NO. 4
TOWN ROADS	TOWN RD. 1

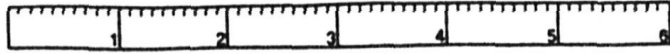
Photo No. 14-30.31  
Date of Photo: 3-1-65  
Date of Map: 9-24-67  
Date of Revision: 3-1-92  
Scale: 1" = 100'

TOWN OF NEW

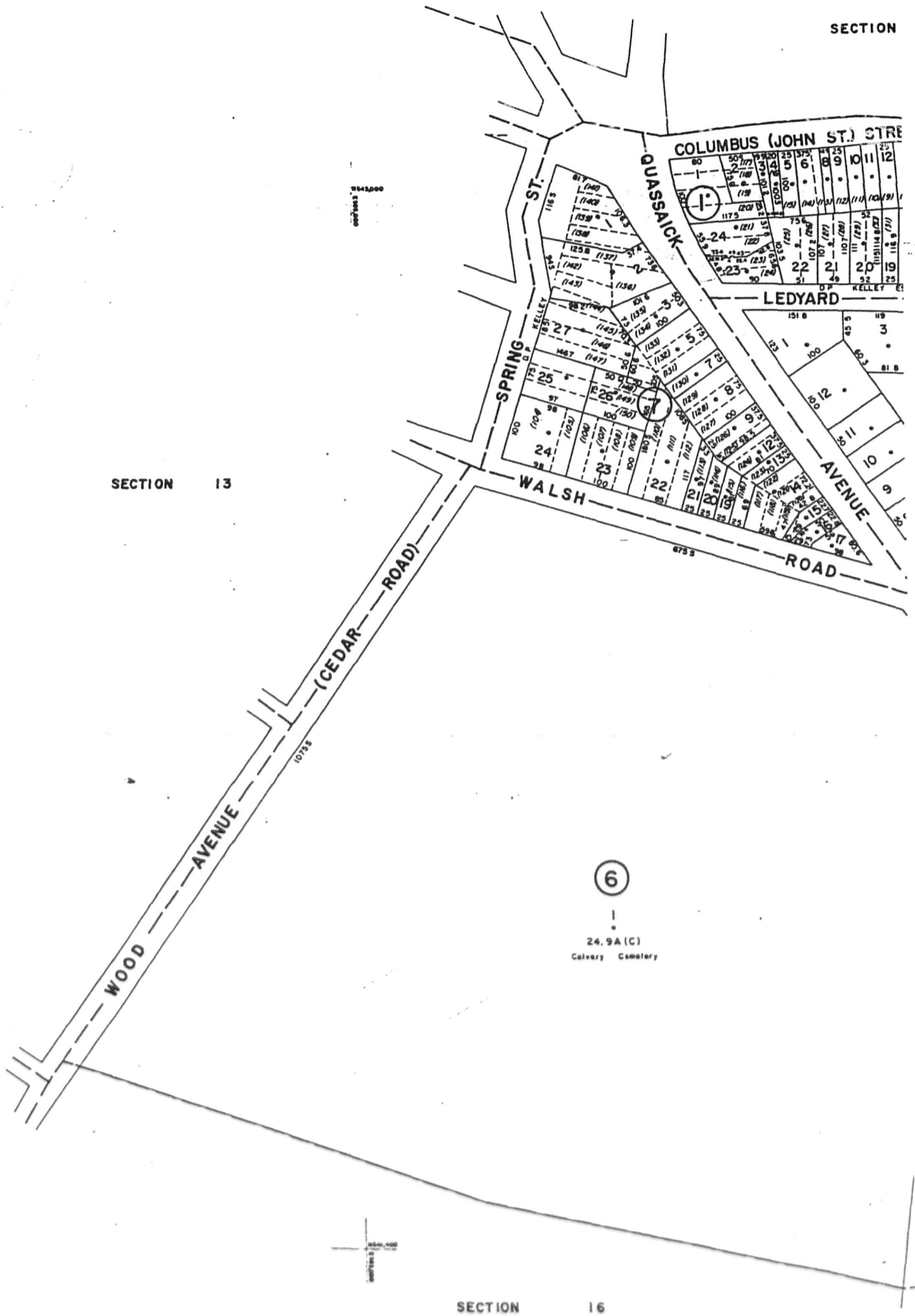
Section No. 14

ALL NEWBORNS  
ALL QUASSACK

SCALE IN 1/10 OF AN INCH



1-800-345-7334



LEGEND

STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO. ④	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO. 32	FILED PLAN LOT NO.
BLOCK & SECTION LIMIT	MATCH LINE	AREAS (Deed) 11.16, (Conveyed) 11.6 AC	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS (Deed) as located 79.5	COUNTY HIGHWAYS
PROPERTY LINE	GRID COORDINATE CENTROID		TOWN ROADS

NEW YORK DEPT. OF TAXATION

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ONLY

CONVEYANCE